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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,983	12/27/2000	Jea-Yong Yoo	2950-0180P	3636
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BIRCH STEWART KOLASCH & BIRCH			KE, PENG	
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FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

2174

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/747,983	Applicant(s) YOO ET AL.	
	Examiner Peng Ke	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-15 and 17-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-7, 9-15 and 17-25 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/25/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communications: Amendment, filed on 7/8/05.

Claims 1-7, 9-15, 17-25 are pending in this application. Claims 1, 13, and 23 are independent claims. In the Amendment, filed on 7/8/05, claims 23-25 were added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 11-13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman US Patent 6,603,488.

As per claim 1, Humpleman teaches a method of menu-based remote control of an external device that is connected to an audio/video apparatus having a display unit, comprising the steps of:

(a) displaying, on the display unit of said audio/video apparatus, a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device, the main menu image being stored in a memory of said audio/video apparatus; (see Humpleman column 13, lines 20- column 14, lines 34) and

(b) transmitting command data to said external device, in response to a selection of one of the menu items associated with functions or operations of said external device, and/or displaying a menu image of the detailed menu which has been stored in said memory when one of the menu items for obtaining the detailed menu is selected, (see Humpleman column 14, lines 34-44)

wherein in said step (a), said external device is an audio/video device and said audio/video apparatus processes and displays broadcast television signals. (see Humpleman column 14, lines 49-64)

As per claim 4, Humpleman teaches a method according to claim 1. Humpleman further teaches wherein in said step (b), which menu item has been selected is determined based on the position of a cursor on said main menu image the instant that a selection key is inputted by a user. (see Humpleman column 5, lines 26-41; It is inherent when a user uses a mouse as an input device, selection is determined based on the position of the a cursor on a main menu)

As per claim 5, Humpleman teaches a method according to claim 1. Humpleman further teaches the device comprising the step of transmitting to said external device command data in response to the selection of one of menu items on said detailed menu image displayed in said step (b). (see Humpleman column 14, lines 34-44)

As per claim 11, Humpleman teaches a method according to claim 1. Humpleman further teaches the device wherein said step (b) transmits the command data from said audio/video apparatus to said external device through an interface. (see Humpleman column 14, lines 34-44)

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As per claim 12, Humpleman teaches a method according to claim 11. Humpleman further teaches wherein the interface is an IEEE 1394 interface. (100, Fig. 1; col. 6, lines 10-15).

As per claim 13, it is rejected with the same rationale as claim 1. Supra.

As per claims 19, it is of the same scope as claim 12. Supra.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 17, 18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman US Patent 6,603,488 in view of Miller US Patent 6,844,893.

As per claim 9, Humpleman teaches a method according to claim 1. However he fails to teach the remote device is a digital television.

However, Humpleman fails to teach an remote device is a digital television.

Miller teaches a digital television device that allows user to access the Internet. (see Miller Abstract) Humpleman's method of accessing the external device includes Internet. (see Humpleman column 17, lines 49-68)

It would have been obvious to an artisan at the time of the invention to implement Humpleman's method on Miller's device in order to allow users to access their home device in a restaurant.

As per claim 10, Humpleman teaches a method according to claim 1. However he fails to teach the remote device is a DVD player.

Miller teaches a DVD Player that allows user to access the Internet. (see Miller Abstract, column 1, lines 4-65) Humpleman's method of accessing the external device includes Internet. (see Humpleman column 17, lines 49-68) It would have been obvious to an artisan at the time of the invention to implement Humpleman's method on Miller's device in order to allow users to access their home device in a restaurant.

As per claim 17 and 18, they are of the same scope as claim 9 and 10. Supra.

As per claim 21, Miller and Humpleman teaches an audio/video apparatus according to claim 9. Miller further teaches wherein in said step (a), said audio/video device is a DVD player. (see Miller Abstract, column 1, lines 4-65)

As per claim 22, it is of the same scope as claim 21. Supra.

As per claim 23, Humpleman teaches a method of remotely controlling an operation of a DVD player, the DVD player being connected to a digital TV over a digital interface, the method comprising:

prestorage, in a memory of the remote device, menu data for displaying certain menu items on a screen of the remote device, the certain menu items designated for selecting

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operations of the DVD player; displaying, on the screen of the remote device , the certain menu items using the menu data prestored in the memory of the digital TV; (see Humpleman column 13, lines 20- column 14,lines 34) and

in response to a user's selection of one of the displayed menu items, generating and transmitting a command signal to the DVD player, the command signal corresponding to the selected menu item associated with a particular operation of the DVD player, whereby the particular operation of the DVD player is executed in response to the command signal. (see Humpleman column 14, lines 49-64)

Miller teaches a digital television device that allows user to access the Internet. (Abstract) Humpleman's method of accessing the external device includes Internet. (column 17, lines 49-68) It would have been obvious to an artisan at the time of the invention to implement Humpleman's method on Miller's device in order to allow users to access their home device in a restaurant.

As per claim 24, Humpleman and Miller teach the method according to claim 23. Humpleman further teaches wherein the menu data prestored in the memory of the digital TV include menu data for displaying a menu item for obtaining a detailed menu of operations of the DVD player. (figure 11, item 708)

As per claim 25, Humpleman and Miller teach the method according to claim 23. Humpleman further teaches wherein the digital interface is an IEEE 1394 interface. (100, Fig. 1; col. 6, lines 10-15).

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Claims 2, 3, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman US Patent 6,603,488 in view of Elsbree US Patent 6,834,388.

As per claim 2, Humpleman teaches a method according to claim 1. However, Humpleman fails to teach a method wherein a menu item on the main menu image displayed in said step (a) over which the cursor is positioned is displayed differently from other menu items.

Elsbree teaches a method wherein a menu item on the main menu image displayed in said step (a) over which the cursor is positioned is displayed differently from other menu items. (see Elsbree column 8, lines 25-45)

It would have been obvious to an artisan at the time of the invention to include Elsbree's teaching with method of Humpleman in order to display the state of individual menu item.

As per claim 3, Humpleman and Elsbree teach a method according to claim 2. Elsbree further teaches wherein the menu item over which said cursor is positioned is displayed differently from other menu items based on information about the positions of respective areas of menu items on said menu image, said information being stored in a memory of said audio/video apparatus. . (see Elsbree column 8, lines 25-45; It is inherent that in order to determine whether a menu item would be highlighted the system must first determine the positions of respective areas of menu items on said menu image)

As per claims 14 and 15, they are of the same scope as claim 2 and 3. Supra.

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Claims 6, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman US Patent 6,603,488 in view of Iwamura US Patent 5,883,621.

As per claim 6, Humpleman teaches a method according to claim 5. However Humpleman fails to teach the device wherein said command data is transmitted to request and obtain information of said external device.

Iwamura teaches a device wherein said command data is transmitted to request and obtain information of said external device. (see Iwamura column 8, lines 56-column 9, lines 20)

It would have been obvious to an artisan at the time of the invention to include Iwamura's teaching with device of Humpleman in order to provide user with the ability to receive device's status information.

As per claim 7, Humpleman teaches a method according to claim 5. However Humpleman fails to teach the method wherein said command data is transmitted to request and obtain information stored in a disk-type medium loaded in said external device.

Iwamura teaches a device wherein said command data is transmitted to request and obtain information of said external device. (see Iwamura column 8, lines 56-column 9, lines 20)

It would have been obvious to an artisan at the time of the invention to include Iwamura's teaching with device of Humpleman in order to provide user with the ability to receive device's status information.

As per claim 20, it is of the same scope as claim 7. Supra.

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Response to Argument

Applicant's arguments with respect to claims 1-7, 9-15, and 17-25 have been considered but are deemed to be moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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